

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-14398-2022 (O&M)

Date of Decision: 19.07.2022

JAGTAR SINGH @ TARI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. GS Sadhrao, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.178 dated 04.10.2021, registered under Sections 22-C, 61 and 85 of the NDPS Act, at Police Station STF Phase-IV, SAS Nagar, Mohali, Punjab.

Learned counsel for the petitioner submits that the alleged recovery of 260 gram Heroin effected in the present case, is marginally above the commercial quantity and that the petitioner has been in custody since 04.10.2021.

On the other hand, learned State counsel while opposing the prayer for grant of regular bail to the petitioner, submits that the recovery effected in the present case, falls under the commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused in case

of the commercial quantity. He further submits that the petitioner is a habitual offender as he is involved in smuggling and selling Heroin across the Tricity. He, thus, prays for dismissal of the present petition.

I have heard the learned counsel for the parties.

Keeping in view the stringent provisions of Section 37 of the NDPS Act and the possibility of the petitioner's involving himself in similar crime again, if granted the concession of bail, do not entitle him for the concession of regular bail.

In view of the above, no ground is made out to grant the concession of regular bail to the petitioner.

Dismissed.

19.07.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No